

NATURAL RESOURCES COMMISSION

September 17, 2013 Meeting Minutes

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Cameron Clark, Secretary
R. T. Green
Phil French
Doug Grant
Donald Ruch
Matthew Voors
Kent Abernathy
Amanda Neyron

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sandy Jensen
Debra Freije

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Chris Smith	Executive Office
Cheryl Hampton	Executive Office
Marty Benson	Communications
Steve Hunter	Law Enforcement
Linnea Petercheff	Fish and Wildlife
Bill James	Fish and Wildlife
Doug Keller	Fish and Wildlife
John Bacone	Nature Preserves
Mike Molnar	Nature Preserves
Tom Swinford	Nature Preserves
Chad Slider	Historic Preservation
Cathy Daeger-Williams	Historic Preservation
Dan Bortner	State Parks and Reservoirs
Ginger Murphy	State Parks and Reservoirs
Bourke Patton	Natural Resources Foundation
Dan Bortner	State Parks and Reservoirs
Kenneth Smith	Water

GUESTS PRESENT

Bob Murphy
Herb Higgins

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 10:19 a.m., EDT, on September 17, 2013 at The Garrison, Fort Harrison State Park, 6002 North Post Road, Ballroom, Indianapolis, Indiana. With the presence of ten members, the Chair observed a quorum.

Donald Ruch moved to approve the minutes for the meeting held on July 16, 2013. Doug Grant seconded the motion. Upon a voice vote, the motion carried.

REPORTS OF THE DIRECTOR, DEPUTIES DIRECTOR, AND ADVISORY COUNCIL

Director Cameron Clark provided his report. He said the Hoosier Outdoor Experience would be taking place September 21st and 22nd at Fort Harrison State Park “with all kinds of activities for the public to participate in, from fishing to off-road vehicle riding and everything in between.” Approximately 25,000 people attended the 2012 Hoosier Outdoor Experience.

Director Clark said this year’s Indiana State Fair was “by all accounts successful. We received a lot of compliments, particularly with regard to our fishing pond.” He recognized Clint Kowalik “for heading up the DNR fishing pond.” Over 3,900 children participated in the DNR fishing exercises. “That’s all thanks to Clint and the hard work that he put in.”

The Director reported, “It’s looking more and more like we may get a professional golf tournament here at the Fort golf course that would be an LPGA event. If we can get the right sponsorship, it would likely take place over the weekend of July 4th in 2015.” Bruce Rearick has been named to promote and direct the tournament. “By all accounts everything seems to be moving forward.” The City of Lawrence is on board and has formed a committee for promoting and sponsorship efforts. “The Golf Channel is also on board as well, and Fort Harrison golf course has been receiving a lot of really nice press this year. The Golf Channel, the golf magazines and some online golf websites continue to recognize the golf course. There is going to be television coverage of the event, again, assuming we can get sponsorship.”

The Director recognized the Division of Water and Division of Engineering for their Midwest Regional National Award of Merit, received from the Association of State Dam Safety Officials, for the Divisions’ commitment to improve dam safety in the State and by leading by example. “DNR and the State own a lot of dams, and we’ve had a program in place for ten or so years where we have been looking at conditions of our own dams. Those that are considered safety hazards, we’ve been picking them off one by one and improving them, getting them back up to grade. By leading by example, we can get other private dam owners to see the importance in keeping their dams in good condition.”

The Director introduced Joe Hoage who is the Department’s new Chief Legal Counsel. Hoage worked for the Office of Public Access Commission as a Public Access Counselor for two years. “We’re delighted to have him on board.”

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. “In addition to the Hoosier Outdoor Experience, we also have the Tri Kappa Candlelight Tour at Spring Mill State Park, and Rock the Rocks at Falls of the Ohio State Park this weekend.”

Davis said the Turkey Run Bridge damaged by floodwaters earlier in the year is scheduled to be open this fall. The toboggan run at Pokagon State Park is in need of some “important safety repairs” that have to be ready in November.

Davis provided an update on the In-Lieu Fee mitigation process. DNR has had a series of interviews with potential contractors. “We plan to have contract negotiations with Ducks Unlimited to help structure the In-Lieu program.” Ducks Unlimited has assisted three other States with In-Lieu Fee programs and is involved in several other States in writing In-Lieu Fee programs. “This will allow a developer or disturber of wetlands to, in some cases, pay a fee that will allow the Department of Natural Resources, along with our partners INDOT and IDEM, to concentrate the money and efforts toward meaningful projects. We think it’s good for both the environment and economic development. We look forward to having that hopefully in place in 2014.”

Chris Smith, Deputy Director for the Bureau of Water Resource and Regulation, provided his report. September is Archaeology Month, and the Division of Historic Preservation and Archaeology is participating in educational programs across the State. Program information would be located on the Division’s website at www.in.gov/dnr/historic. Smith said Mitch Zoll “has agreed to come onboard” as the Division’s new Director. Zoll was previously employed at Ball State University for a number of years prior to retiring and forming his own consulting business. “We’re excited to see him come onboard next Monday.”

Smith reported the 2013 Interim Legislative Study Committees are underway. The Natural Resources Study Committee will meet again on October 1st and 2nd at Spring Mill State Park. The Environmental Quality Services Committee met last Friday at the Indiana Dunes National Lakeshore and received an update on the Great Lakes Compact. The Criminal Code and Sentencing Committee is reviewing Title 14. “We are also participating in their discussions.”

Smith reported that Division of Water is “involved in a continuing water well issue in Benton County where an irrigator has caused domestic wells to fail.” Mark Basch, Head of the Water Rights/Use Section, made several trips to monitor the issue. “The statute is pretty explicit on the framework of how to address those issues.”

The Chair asked Smith who would be his replacement as the legislative liaison.

Smith replied, “Brad Baun who is currently the legislative liaison for IDEM has accepted the position. The start date has not been established yet.”

The Chair recognized Smith for his great job as the legislative liaison for the DNR. “Thanks for all you did.”

Chairman Poynter recognized Kent Abernathy as proxy for Thomas Easterly of IDEM; Amanda Neyron of Indiana Office of Tourism Development as proxy for Mark Newman; and Matt Voors, Chief Legal Counsel for INDOT as proxy for Karl Browning.

CHAIR, VICE CHAIR, AND CHAIR OF ADVISORY COUNCIL

Updates on Commission and Committee activities

Vice Chair Stautz reported the AOPA Committee met prior to the Commission meeting and addressed several matters. One dealt with the licensure of a shooting preserve. The nonfinal order of the administrative law judge was affirmed, but following discussion among the members, they recommended the Advisory Council consider the development of a nonrule policy document for the licensure of a shooting preserve, “particularly as it relates to the consideration of the welfare of the people and other factors along those lines. We understand there is a rule in development, but it may not address some of these factors in the licensure of a shooting preserve. This is one of the recommendations that came out of the AOPA Committee meeting—for the Advisory Council to explore that further.”

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

The Chair reflected Patrick Early, Chair of the Advisory Council, was not present. He asked the minutes to reflect that the shooting preserve resolution by the AOPA Committee be referred for consideration to the Advisory Council.

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Blossom Hollow Nature Preserve in Johnson County

Tom Swinford, Ecologist for the Division of Nature Preserves, presented this item. He said for consideration was the dedication of the Blossom Hollow Nature Preserve. “One of the wonderful things about this site is its close proximity to Indianapolis, just south of Trafalgar in Johnson County, down where the rugged Brown County hills spill over into Johnson County.” The nature preserve would consist of 108 acres, largely forested with high quality woods. “It has very fascinating geology as that is the point where the entire ice age ended and the unglaciated portion of Indiana began.” The large diversity of soil types leads to many fascinating plants. “It’s a very rich preserve of interesting plants and animals. It’s also a sizeable forest block, especially so close to Indianapolis, and that gives us an opportunity to provide habitat for many of our forest interior plants and animals that were adapted to large unbroken tracts of forest.” The nature preserve would be owned and managed by the Central Indiana Land Trust Incorporated. “There are additional lands protected with conservation easements around it, so it’s not just a standalone 108 acres, it’s a significant reserve.”

Swinford said funding for the nature preserve came largely from the Indiana Heritage Trust and Bicentennial Nature Trust Program with a large match from the Laura Hare Foundation. He then recommended Commission dedication of the Blossom Hollow Nature Preserve.

The Chair observed, “This is a point for the Commission to keep track of the projects of the Bicentennial Trust and certainly that these projects are going to leave a humongous footprint across Indiana. This is just a good example of how that partnership and the matching funds get put together to make these pieces happen.” The Chair added that Swinford was “one of the greatest tour guides.”

Donald Ruch moved to approve dedication of Blossom Hollow Nature Preserve in Johnson County. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of the *J.D. Marshall* Underwater Preserve in Porter County

Mike Molnar, Program Manager for the Lake Michigan Coastal Program (LMCP) with the Division of Nature Preserves, presented this item. He said the proposed *J.D. Marshall* Underwater Preserve would be based around the *J.D. Marshall* shipwreck offshore from Indiana Dunes State Park in Lake Michigan. Molnar provided historical background:

- The *J.D. Marshall* was built in 1891 in South Haven, Michigan and refitted in 1910 with spare parts from the *Muskegon* which burned and sank offshore from Michigan City.
- The *J.D. Marshall* sank on June 11, 1911, after the hull began to leak and “turned turtle” offshore from Indiana Dunes State Park. “Four of the ten crew members perished.”
- In 1979, the *J.D. Marshall* was rediscovered by Gene Turner, a local sport diver.
- In 1982, the *J.D. Marshall* was raised by salvagers from Michigan, and the operation was stopped by Indiana Conservation Officers.
- In 1985 with support from Conservation Officers, Gary Ellis, the first Indiana State Archaeologist, started the Submerged Artifact and Vessel Evaluation Program to survey the Indiana portion of Lake Michigan for cultural resources. The program located 14 shipwreck sites in the Indiana waters of Lake Michigan, ranging in age from the early to late 19th century.
- In 2000, the LMCP hired Charlie Beeker from Indiana University to resurvey some of the shipwrecks and to make recommendations for management and preservation of the *J.D. Marshall*.
- In 2007, the Unknown No. 4 was researched along the shoreline of Ogden Dunes. A group of researchers were working on the site without a State permit. DNR Conservation Officers intervened and confiscated the collected artifacts. “That incident was an impetus for us to start up the shipwreck project.”

- In 2008, the LMCP began project development to resurvey known wrecks, search for unknown wrecks, and consider management plans.
- In 2011, the LMCP contracted with Commonwealth Cultural Resources Group to re-access known shipwrecks and develop a management plan.
- In 2012, the reassessments were completed.

Molnar said the LMCP worked with the Division of Law Enforcement, the Division of Fish and Wildlife, the Division of Nature Preserves, the Division of State Parks and Reservoirs, and the Division of Historic Preservation and Archaeology to formulate a management plan for a shipwreck preserve. The *J.D. Marshall* and the *Muskegon* were investigated as potential sites. “It was determined that the *J. D. Marshall* would be the easiest site to manage given its proximity to Indiana Dunes State Park and it being visual. It would also afford a great interpretation opportunity for the State Park.”

Molnar continued, “We have reached a consensus as far as a preserve boundary and a management plan for the site after working with the five DNR division partners.” The Nature Preserves Act (IC 14-31-1) allows for the dedication and protection of natural areas that have unique cultural and spiritual values of the people of Indiana. The shipwrecks on the Great Lakes were the 18-wheelers of their time. “They are in turn the reason why we have the coastal area in the current condition with the law and commerce that was brought with them.” The *J.D. Marshall* was transporting 100,000 pounds of sand at the time she sank. The protection under the Nature Preserves Act would support protections of cultural resources that are managed primarily by the Division of Historic Preservation and Archaeology.

Molnar said the preserve contains approximately 100 acres. The boundary would be marked differently “than a typical nature preserve due to the fact that it’s out in the water.” He said there would be four mooring buoys in the preserve to protect the historic wreckage from anchor damage. A FAQ sheet is located at www.in.gov/dnr/parklake/files/sp-JDM_FAQ.PDF and information is also available through the Commission’s website at www.ai.org/nrc/. “We couldn’t have got to this point by ourselves. It was a tremendous group effort.”

The Chair asked, “Do any of the other Great Lake states have similar nature preserves in the water?” Molnar responded, “There are shipwreck preserves across the Great Lakes. Some States have statutory authority just for shipwrecks. We viewed what we had before us with the Nature Preserve Act. It was written broadly enough that we felt comfortable and counseled with legal counsel that we could go down this road and do the protection this way.”

Matthew Voors moved to approve dedication of the *J.D. Marshall* Underwater Preserve in Porter County. R.T. Green seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF FISH AND WILDLIFE**Consideration of amendments to nonrule policy document, Information Bulletin #59, setting free sport fishing days for 2014 and 2015; Administrative Cause No. 13-143D**

Linnea Petercheff, Staff Specialist in the Division of Fish and Wildlife, presented this item. She said that the Division of Fish and Wildlife sought an amendment to the free sport fishing days nonrule policy document to set four free dates for 2014 and 2015. 2013 was the first year the Division of Fish and Wildlife offered four free fishing days as the result of a statutory change. The Division would like to continue to use the format used in 2013 with the third Saturday in April, the week before the stream trout season opens, as well as the third Saturday in May, which is Armed Forces Day, as free fishing days. The dates would correspond with GoFishIN Family Learn to Fish Workshops. Having the four free fishing days would help encourage people to participate in the workshops. The first weekend in June also matches with the National Free Fishing Weekend. "These dates are also early enough in the year that we hope, with a positive fishing experience, they will purchase their first fishing license to fish later that year."

Jane Ann Stautz moved to approve the amendments to nonrule policy document, Information Bulletin #59 setting free sport fishing days for 2014 and 2015. Donald Ruch seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF WATER**Consideration of amendments to 312 IAC 11-2, standards regarding activities along and within public freshwater lakes; Administrative Cause No. 13-125W**

Chris Smith, Deputy Director for the Bureau of Water Resource and Regulation, presented this item. He said the proposed amendments would support a larger effort among IDEM, the U.S. Army Corps of Engineers, and DNR's Division of Water, to "provide a consistent and easy permitting system among the three entities. The proposed rule would amend definitions in 312 IAC 11-2 for an 'area of special concern' and for a 'natural shoreline', which apply to the regulation of public freshwater lakes under IC 14-26-2."

Smith continued, "What you have before you is changing two definitions specific to the distance of a natural shoreline." The amendments would put the Commission rule in the same framework as IDEM and the Army Corps, "whereby an individual altering a shoreline for specific incidences could apply under the Corp's Programmatic General Permit." The amendments would provide consistency among the Federal and State permit laws and help ensure that the maximum number of applicants receive the benefit of the PGP program. He requested preliminary adoption of the proposed amendments.

Phil French moved to approve preliminary adoption of the amendments to 312 IAC 11-2, as recommended by the DNR, governing activities along and within public freshwater lakes. R.T. Green seconded the motion. Upon a voice vote, the motion carried.

DNR, DIVISION OF LAW ENFORCEMENT**Consideration of preliminary adoption of 312 IAC 26-6 to assist with implementation of the Sportsmen's Benevolence Account; Administrative Cause No. 13-112L**

Lieutenant Steve Hunter of the Law Enforcement Division presented this item. He said the Division of Law Enforcement proposed preliminary adoption to assist with implementation of the Sportsmen's Benevolence Fund. He said there is \$150,000 in the General Fund to be used for the purpose of processing deer, taken by lawful hunters, by a processing facility for food donations. "The rules we've recommended here we think are necessary and minimal."

The Chair commented, "It's a great program."

Jane Ann Stautz moved to approve the preliminary adoption of 312 IAC 26-6 to assist with implementation of the Sportsmen's Benevolence Account. Phil French seconded the motion. Upon a voice vote, the motion carried.

NRC, DIVISION OF HEARINGS**Consideration of report of hearing officer with recommendations regarding amendments to articles of dedication and master plan of, and addition of acreage to, the Hoosier Prairie Nature Preserve in Lake County; Administrative Cause No. 13-048N**

Steve Lucas, Hearing Officer, introduced this item. He said during nearly every meeting, the Commission enjoys the pleasure of dedicating new nature preserves or adding territory to existing nature preserves through IC 14-31-1 ("the Nature Preserves Act"). This process is accomplished with approval of articles of dedication. To help protect the integrity of existing nature preserves, the Nature Preserves Act requires the Commission at IC 14-31-1-13 to make findings any amendments to the articles of dedication "will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;"

that is inconsistent with the purposes of the Act.

Lucas said the Division of Nature Preserves is seeking to update and modernize 1977 articles of dedication for the Hoosier Prairie Nature Preserve in Lake County. This nature preserve is relatively well-known in Northwestern Indiana, and good attendance at the public hearing in Schererville was not unexpected. Support among those in attendance was universal, and he would recommend approval of all changes sought by the Division of Nature Preserves. At the same time, Lucas emphasized the need to follow the legislative directive pertaining to amending articles of dedication. He urged that Commission action include findings the proposed amendments to the Articles of Dedication for the Hoosier Prairie Nature Preserve would not permit (1) an impairment; (2) a disturbance; (3) a use; or (4) a development that was inconsistent with the Nature Preserves Act. He said here there was a demonstration the amendments would

serve public safety, reasonable public access, control of invasive species and support for rare and native species, and the restoration of precious prairie and wetland habitat.

Lucas added, “As I see the statute and understand how nature preserves modifications are presented to the Commission typically, it seems to me important to underline this statutory responsibility, and to help assure that for this nature preserve and for other nature preserves going forward, there will be a specific finding under IC 14-31-1-13, and the finding will go in the minutes of the Commission” for future reference. Lucas said he would later discuss with the Division of Nature Preserves the possibility of a nonrule policy document to help memorialize compliance with the statutory responsibility. He recommended approval of the amendments to the Hoosier Prairie Nature Preserve as proposed by the Division of Nature Preserves. He then deferred to John Bacone, Director of the Division of Nature Preserves, to discuss substantive aspects of the proposed amendments.

John Bacone said Lucas convened a public hearing on July 26, 2013 in Schererville. About a dozen citizens were present, and all the testimony, including that of the Town Manager of Schererville, favored the addition of territory and amendments to the Hoosier Prairie Nature Preserves Articles of Dedication. The nature preserve was dedicated in 1977 and originally included 304 acres. The addition to the acreage would include roughly 275 acres. The proposal would also amend and update the nature preserve’s Master Plan. The Master Plan is developed from the Articles of dedication. “A lot has happened since the dedication of the Hoosier Prairie Nature Preserve in terms of the kind of land we’ve acquired and the types of techniques available to deal with invasive species.” The language in the proposed Master Plan would reflect an updated understanding and use of new techniques for natural area management. “We want to allow for the possibility of an additional parking lot and additional hiking trails. The original Master Plan just talked about one of each of those, so that was the purpose for doing this.” Bacone recommended approval of the proposed amendments.

Donald Rush moved to approve the hearing officer’s recommendations regarding amendments to the Articles of Dedication, the Master Plan, and the addition of acreage to the Hoosier Prairie Nature Preserve in Lake County. The approval was being made upon Commission findings the amendments to the articles of dedication would not permit

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the Hoosier Prairie Nature Preserve that would be inconsistent with the purposes of the Nature Preserves Act. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration on rule processing, public comments, analysis and recommendation regarding final adoption of amendments to 312 IAC 5-6-9 governing boating on Tippecanoe Lake; LSA Document #13-213(F); Administrative Cause No. 12-098L

Sandra Jensen, Hearing Officer, presented this item. She said the proposed rule amendments were initiated by a citizen’s petition for rule change. The result would be to renew a section, which, as a result of a sunset clause included when adopted in 2009, will expire on January 1,

2014. A DNR committee chaired by Doug Keller reviewed the petition. The committee's review supported preliminary adoption of amendments which would provide three modifications:

- 1) Eliminate future expiration dates from the section.
- 2) Eliminate a portion of the ecozone located along a developed shoreline.
- 3) Specify that trolling motors must be electric.

Jensen said all the required rulemaking processes were completed, and a public hearing was held on August 29, 2013 in North Webster. The majority of the comments favored the rule as proposed but there were a few comments questioning the elimination of a future expiration date from the rule. Individuals questioned the measures used to substantiate the success of the rule in protecting and facilitating recovery of the Ball Wetland. Jensen noted that other public comments and the Department's responses support a conclusion the section has accomplished the following intended purposes as set forth when the rule was originally adopted:

- 1) Enhancing public safety associated with boating in shallow waters.
- 2) Establishing, for enforcement, a clearly identifiable shoreline.
- 3) Protecting and facilitating restoration of the Ball Wetland.

Jensen recommended final adoption of the rule as proposed.

Phil French asked about the wisdom of eliminating the sunset clause from the section. He expressed the perspective the Commission should always look for opportunities to eliminate rules that are no longer needed.

Jensen responded, "Any of these rules are always subject to change, so there could be another citizen's petition to come forward to eliminate the rule or modify it further." Thus far, this rule section appears to have performed the function for which it was intended but the Commission would not be prevented later from modifying or repealing the section if the situation should change.

Doug Grant moved to approve final adoption of amendments to 312 IAC 5-6-9 governing boating on Tippecanoe Lake, as presented. Donald Rush seconded the motion. Upon a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 1, definitions; LSA #13-169(F); Administrative Cause No. 13-001A

Chairman Poynter observed "Agenda Items 10 through 16 is a series of readoption measures. I'll allow Steve [Lucas] to take one, all together, however you would choose."

Lucas thanked the Chair. He suggested offering a general explanation to cover all seven sets of readoptions and then outlining briefly the scope of individual readoptions. The Commission could direct further discussion to any or all of the seven sets. He said the readoption process was also pertinent to Phil French's inquiry regarding 312 IAC 5-6-9. That section had an unusual internal sunset clause, but by statute all Commission rules are sunsetted six years from their

adoption (or most recent readoption) if not readopted as is being recommended for this item through Item 16. An early step in the readoption process is posting in the Indiana *Register* and advising the public any aspect of a rule can be singled out for the full rule-adoption process. No individual or company asked that any aspect of the seven sets of rules scheduled for readoption go through the full rule-adoption process. The Commission can but is not required to approve them through the abbreviated process.

Lucas said presenting a general explanation, as he was today suggesting, could cause underestimation of the importance and efforts by professionals in the Commission's Division of Hearings and the Department of Natural Resources "in getting where we are today." If readoption is not accomplished, the rules would cease to exist. That would affect DNR programs in a manner that could be fundamental. Extensive fiscal reviews were required by agency professionals. Early in this year's process for readoptions, "we were unsure whether Governor's Pence's moratorium on rules applied." Director Clark assisted in obviating the need for an exemption, "but for a time we didn't know." Agency professionals put a lot of effort into getting here. I'm tempted to try to thank them but would undoubtedly miss naming key people, "and the music might start playing like the Emmys if I went on and on." So I'll just reflect that even though I won't go into a lot of detail, there was a lot of detailed background work involved.

The Chairman reflected that he knows the Commission understands a lot of hard work by dedicated professionals at DNR and the NRC often occurs before an item gets to the agenda. "We don't take that for granted," however, and it is worth repeating. We often see only the neat end product. He thanked the staffs for their efforts.

Lucas outlined the seven readoptions. He said all Commission rules are in Title 312, and all rules in Title 312 are the Commission's. Article 1 (312 IAC 1) is a set of definitions. These apply over a breadth of matters within DNR and Commission jurisdiction. One of the reasons for having a single set of definitions is to encourage consistency in the use of terminology in different programs, unless a different meaning is explicitly stated. [Outlines of other Titles are set forth below with the referenced readoptions.]

Jane Ann Stautz moved to approve the readoption of 312 IAC 1 (Article 1) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 4, law enforcement; LSA #13-170(F); Administrative Cause No. 13-002L

Lucas indicated 312 IAC 4 established the structure of DNR's Division of Law Enforcement, including matters pertaining to discipline. Lt. Col. Steve Hunter was present and could answer substantive questions.

Jane Ann Stautz moved to approve the readoption of 312 IAC 4 (Article 4) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 10.5, regulation of dams; LSA #13-162(F); Administrative Cause No. 13-003W

Lucas said 312 IAC 10.5 was a relatively new article that addresses dam safety. Kenneth Smith, Assistant Director in the Division of Water, was present to answer questions.

Jane Ann Stautz moved to approve the readoption of 312 IAC 10.5 (Article 10.5) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 20, historic preservation review board; LSA #13-184(F); Administrative Cause No. 13-004H

Lucas said 312 IAC 20 governs the Historic Preservation Review Board and licensure provisions of the Division of Historic Preservation and Archaeology. Chad Slider, Historic Structure Reviewer, was present to answer substantive questions.

Donald Ruch observed for this item, “When you list the rules, you have Rule 1, 2, 3, 4, and 6. Is that a typo? Why was Rule 5 left out?”

Lucas responded, “There is no rule with that number. This can happen in a couple of ways. Sometimes the number is reserved with the Legislative Services Agency, and it isn’t yet filled. I think in this case it was reserved for subsequent usage [which has not since occurred]. Sometimes that can happen because every section in a rule was later repealed. It’s not really common, but yes, the numbering is the way it should be.”

Jane Ann Stautz moved to approve the readoption of 312 IAC 20 (Article 20) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 21, archaeological review and recovery; LSA #13-184(F); Administrative Cause No. 13-005H

Lucas reported 312 IAC 21 governs archaeological recovery and review, primarily within the jurisdiction of the Division of Historic Preservation and Archaeology. This Article is closely associated with 312 IAC 22. Chad Slider was present to answer substantive questions.

Jane Ann Stautz moved to approve the readoption of 312 IAC 21 (Article 21) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 22, human remains; LSA #13-184(F); Administrative Cause No. 13-006H

Lucas reported 312 IAC 22 governs the treatment of human remains, burial objects, and artifacts within the jurisdiction of the Division of Historic Preservation and Archaeology. One aspect is a general license for qualified participation in a cemetery restoration. Chad Slider was present to answer substantive questions.

Jane Ann Stautz moved to approve the readoption of 312 IAC 22 (Article 22) without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

Consideration for recommendation of final action on readoption of 312 IAC 25, surface coal mining and reclamation; LSA #13-125(F); Administrative Cause No. 13-007R

Lucas indicated 312 IAC 25 is the Commission's most extensive and detailed rule program. Article 25 is essential to Indiana primacy for the Surface Mining Control and Reclamation Act. Chris Smith, Deputy Director, was present to answer substantive questions.

Jane Ann Stautz moved to approve the readoption of 312 IAC 25 without amendment. Donald Ruch seconded the motion. On a voice vote, the motion carried.

MEETING ADJOURNMENT

The meeting was adjourned at approximately 11:11 a.m., EDT.